

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

**Case No. CV-13-1322-MWF (AJWx)**

**Date: October 16, 2013**

**Title:** Nicholas Lyon -v- FUNimation Productions, Ltd., et al.

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**Present:** The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:  
Rita Sanchez

Court Reporter:  
Not Reported

Attorneys Present for Plaintiff:  
None Present

Attorneys Present for Defendant:  
None Present

**Proceedings (In Chambers):** ORDER DENYING WITHOUT PREJUDICE  
FUNIMATION PRODUCTIONS, LTD D/B/A  
FUNIMATION ENTERTAINMENT’S MOTION TO  
DISMISS [29]

This matter is before the Court on Defendant FUNimation Productions, Ltd. d/b/a FUNimation Entertainment’s Motion to Dismiss (the “Motion”), filed on October 11, 2013. (Docket No. 29). For the reasons set forth below, the Motion is **DENIED without prejudice** to the refiling of the Motion after the procedures set forth in the Local Rules are followed.

The Motion is procedurally flawed for a number of reasons. ***First***, a movant is required by Local Rule 6-1 to present the motion with a “written notice of motion” that is “filed with the Clerk not later than twenty-eight (28) days before the date set for hearing.” Defendant did not include a proper Notice of Motion. ***Second***, the Notice of Motion must include a statement indicating that the parties have met and conferred regarding the substance of the Motion. Local Rule 7-3. It does not appear that the parties have conferred. ***Third***, even if the Motion itself, which seems to have been served on certain parties through the CM/ECF system, is deemed to also act as a Notice of Motion, it does not include the date and time of the hearing, as required by Local Rule 6-1.

Therefore, the Motion is **DENIED**. Should Defendant wish to renew and refile the Motion, such Motion must be filed by **October 28, 2013**. Defendant’s counsel

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must meet and confer with Plaintiff's counsel no later than **October 24, 2013** regarding the substantive issues underlying the Motion and set forth the results of that conference in a proper Notice of Motion to be attached to the Motion, as required by the Local Rules.

IT IS SO ORDERED.